

1 KAREN A. PETERSON, ESQ.
Nevada State Bar No. 366
2 **ALLISON MacKENZIE, LTD.**
402 North Division Street
3 Carson City, NV 89703
Telephone: (775) 687-0202
4 Facsimile: (775) 882-7918
Email: kpeterson@allisonmackenzie.com

5 Attorneys for the UNITED STATES BOARD
6 OF WATER COMMISSIONERS and
CHIEF DEPUTY WATER COMMISSIONER/
7 WATER MASTER

8
9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**
12

13 UNITED STATES OF AMERICA,

3:73-CV-00125-MMD-WGC

14 Plaintiff,

In Equity No. C -125

15 WALKER RIVER PAIUTE TRIBE,

16 Plaintiff-Intervenor,

17 vs.

18 WALKER RIVER IRRIGATION DISTRICT,
a corporation, et al.,

19 Defendants.
20 _____/

21 **STIPULATION TO RESOLVE THE UNITED STATES BOARD OF WATER**
COMMISSIONERS' AND WATER MASTER'S
22 **REQUEST FOR SPECIAL ASSESSMENT AND WALKER BASIN CONSERVANCY'S**
23 **OBJECTION TO SPECIAL ASSESSMENT AND ORDER**

24 The UNITED STATES BOARD OF WATER COMMISSIONERS and CHIEF DEPUTY
25 WATER COMMISSIONER/WATER MASTER ("Water Master" and collectively the "Board"), by
26 and through their attorneys, ALLISON MacKENZIE, LTD. and the WALKER BASIN
27 CONSERVANCY (the "Conservancy") by and through its attorneys, WOLF, RIFKIN, SHAPIRO,
28 SCHULMAN & RABKIN, LLP, stipulate to resolve the Board's request to levy a special assessment

1 for the 2019–2020 fiscal period for the administration of Program Water as contained in the Board’s
2 Report and Petition for Approval of Budget and Approval of Rate of Assessment and Special
3 Assessment for the Year July 1, 2019 Through June 30, 2020, and for Approval of the Audit Report
4 for the Year Ended June 30, 2018 (“Petition”) (Doc. 1551) and the Objection of Walker Basin
5 Conservancy to Petition for Approval of Special Assessment (Doc. 1575) as follows:

- 6 1. In consideration of the above-referenced parties entering into this Stipulation, the
7 Board has withdrawn its request for a special assessment for the administration of
8 Program Water as contained in the Board’s Petition (Doc. 1551).
- 9 2. The Conservancy agrees to order its instream flow water rights for Permit 80700
10 (“Program Water”) on a daily basis when in priority in accordance with the Board’s
11 Plan of Distribution, namely by placing daily orders for the permitted Program Water
12 in priority with the Walker River Irrigation District, which will relay orders for
13 Program Water to the Water Master along with daily orders for irrigation water.
- 14 3. The Water Master shall keep track of her time to administer the Conservancy’s
15 Program Water from the Yerington Weir to the Wabuska Gage for the 2019 irrigation
16 season. The Board and the Conservancy reserve their respective rights and positions
17 regarding any future request by the Board for a special assessment or reimbursement
18 based upon special and additional administration, if any, of Program Water from the
19 Yerington Weir to the Wabuska Gage.
- 20 4. The Conservancy agrees to reimburse the Board for its reasonable legal and
21 engineering costs incurred to review one or more proposed Orders modifying the
22 Walker River Decree to be submitted to the District Court after any final order of the
23 District Court granting a petition to approve Nevada State Engineer decisions or
24 orders approving the Conservancy’s pending instream flow water rights change
25 application numbers 88160, 88161 and 88162.
- 26 5. The Board shall periodically provide the Conservancy with an invoice of the legal
27 and engineering costs incurred pursuant to paragraph 4, above, which invoice shall be
28 due and payable within 30 days of receipt of the invoice.

6. The Conservancy shall provide the Board with any dispute regarding an invoice within 15 days of receipt of the invoice. If the invoice dispute cannot be resolved, either party hereto may seek relief of the Court to resolve the dispute.

7. The terms of the stipulation shall not be binding on any other parties to the Walker River Decree or to any other users of water subject to the Walker River Decree. The terms of this stipulation only apply to the Board's request to levy a special assessment for the 2019-2020 fiscal period for the administration of Program Water, and the terms of this stipulation shall not be construed as setting a precedent for the matters agreed to herein by the parties to the stipulation for any future change applications by any water user.

The undersigned counsel hereby certify in accordance with Local Rule 7-2(f), the foregoing Stipulation and [Proposed] Order was served on the principal parties participating at the June 3, 2019 hearing and further certify said principal parties approved the proposed Stipulation and [Proposed] Order.

Dated: June 24, 2019

By: /s/ Karen A. Peterson
Karen A. Peterson, Esq.
Nevada State Bar No. 366
ALLISON MacKENZIE, LTD.
402 North Division Street
Carson City, Nevada 89703
Phone: (775) 687-0202
Fax: (775) 882-7918
Email: kpeterson@allisonmackenzie.com

*Attorney for United States Board of Water
Commissioners and Chief Deputy Water
Commissioner/Water Master*

Dated: June 24, 2019

By: /s/ Christopher w. Mixson
Christopher W. Mixson, Esq.
Nevada State Bar No. 10685
WOLF, RIFKIN, SHAPIRO,
SCHULMAN & RABKIN, LLP
5594-B Longley Lane
Reno, Nevada 89511
Phone: (775) 853-6787
Fax: (775) 853-6774
Email: cmixson@wrslawyers.com

Attorneys for Walker Basin Conservancy

ORDER

THE STIPULATION TO RESOLVE THE UNITED STATES BOARD OF WATER
COMMISSIONERS' AND WATER MASTER'S REQUEST FOR SPECIAL ASSESSMENT
AND WALKER BASIN CONSERVANCY'S OBJECTION TO SPECIAL ASSESSMENT IS
APPROVED AND IT IS SO ORDERED.

Dated: June 25, 2019.



UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of **ALLISON MacKENZIE, LTD.**, and that I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, and that service will be accomplished on all counsel and persons requesting notice by the Court CM/ECF system, which will send notification of such filing to their email addresses.

And further I certify that I also served a copy of the foregoing document on the following non-CM/ECF participants by U.S. Mail, postage prepaid:

Bryan Bowker
U.S. Department of the Interior
Bureau of Indian Affairs – Western Region
Division of Natural Resources, MS-460
2600 North Central Avenue, 4th Floor
Phoenix, AZ 85004
Walker River Irrigation District
P.O. Box 820
Yerington, NV 89447

Tim Wilson, P.E.
Dept. of Conservation & Natural Resources
Division of Water Resources
901 South Stewart Street #2002
Carson City, NV 89701

California Water Resources Department
1416 Ninth Street
Sacramento, CA 95814

Bradley Crowell, Director
Dept. of Conservation & Natural Resources
State of Nevada
901 South Stewart Street #1003
Carson City, NV 89701

DATED this 24th day of June, 2019.

/s/ Nancy Fontenot
NANCY FONTENOT